

Congress of the United States
Washington, DC 20515
October 31, 2023

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Blinken,

We write as members of Congress who believe in a strong U.S.-El Salvador partnership to express our concern for the reported arbitrary detention of U.S. citizens, lawful permanent residents (LPRs), and their families under El Salvador’s “state of exception,” which has suspended basic rights and resulted in the arrest of almost 70,000 individuals.¹

Since the start of the state of exception in March of 2022, President Nayib Bukele has justified the deprivation of constitutional rights afforded to Salvadoran citizens by launching a “war” against the *pandillas* (gangs), promising to rid the country of gang activity. This campaign has led to the arrest of around 70,000 people, approximately 2% of the country’s adult population, many of whom have been detained for more than a year without access to legal counsel, contact with family members, a fair judicial procedure, or due process.²

While we support efforts in Central America to combat transnational crime organizations, narco-trafficking, and violence inflicted against innocent populations, we are concerned by reports that several U.S. citizens, primarily Salvadoran-Americans, have been arbitrarily detained in the state of exception in El Salvador. For example, Nelson Vladimir Hernández Tobar, a 28-year-old U.S. citizen, also known as hip hop artist N-Real, was arrested and subsequently languished in prison for five months despite having no criminal record.³ The U.S. State Department’s July 17 travel advisory for El Salvador states, “Several U.S. and other foreign citizens have been detained under the State of Exception, some in a reportedly arbitrary manner.”

Overcrowding has overwhelmed the Salvadoran jail system, leading to an alarming increase in reported disappearances, due process violations, torture, and unexpected deaths of individuals detained in the state of emergency.⁴ As supporters of a strong and equitable partnership with El Salvador, we believe the United States must assist El Salvador in furthering its advances against transnational crime and gang activity. That partnership must include full cooperation on the

¹ Ricardo J. Valencia, “U.S. Citizens are Getting Caught up in El Salvador’s Mass Arrests,” *Americas Quarterly*, May 3, 2023

² Luke Taylor, “El Salvador Clears way for Mass Trials as Crackdown on Gangs Ramps up,” *The Guardian*, July 27, 2023

³ Efren Lemus, “North Carolina Rapper Among 15 Hip-Hop Artists Jailed under State of Exception,” *El Faro*, June 7, 2023,

⁴ Cristosal, Executive Summary: One Year Under State of Exception, June 2023, available at: <https://cristosal.org/EN/wp-content/uploads/2023/06/English-Executive-Summary-One-Year.pdf>

matter of detained U.S. citizens in El Salvador. We are concerned that El Salvador’s General Directorate of Prisons recently declared it would not release any information on foreigners imprisoned since January 2022 for seven years for national security reasons.⁵

Thus, we respectfully request your response to the following questions:

1. Has the State Department determined any U.S. citizens or lawful permanent residents imprisoned in El Salvador have been “wrongfully detained” since the state of exception began in March 2022?
2. How many U.S. citizens or LPRs have been detained in El Salvador since the start of the state of exception in March 2022?
3. Has the United States Embassy in San Salvador been regularly notified when a U.S. citizen is detained? How long does the notification process take?
4. Has the Embassy in El Salvador been able to meet in person with all U.S. citizens and LPRs detained in El Salvador under the state of exception? At any point have Embassy personnel been denied access to U.S. Citizens or LPRs?

The Salvadoran diaspora in the United States is an invaluable community in the fabric of American society, and it is the duty of the United States Government to help protect and restore the human rights of our constituents and their family members.

Sincerely,



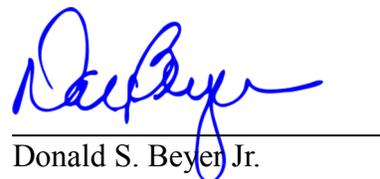
Gerald E. Connolly
Member of Congress



Veronica Escobar
Member of Congress



Joaquin Castro
Member of Congress



Donald S. Beyer Jr.
Member of Congress

⁵ Javier Urbina, “En Reserva por Siete Años la Información de los Extranjeros Detenidos en El Salvador,” *La Prensa Gráfica*, September 18, 2023



James P. McGovern
Member of Congress



Sylvia R. Garcia
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Barbara Lee
Member of Congress



Jamie Raskin
Member of Congress



Jan Schakowsky
Member of Congress



Alma S. Adams, Ph.D.
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Becca Balint
Member of Congress



Ilhan Omar
Member of Congress

Delia C. Ramirez

Delia C. Ramirez
Member of Congress

Eleanor H. Norton

Eleanor Holmes Norton
Member of Congress